

ESTTA Tracking number: **ESTTA363829**

Filing date: **08/18/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Moet Hennessy USA, Inc.
Granted to Date of previous extension	08/18/2010
Address	85 Tenth Avenue New York, NY 10011 UNITED STATES
Attorney information	John P. Margiotta Fross Zelnick Lehrman & Zissu, P.C. 866 United Nations Plaza New York, NY 10017 UNITED STATES jm@fzlz.com Phone:212-813-5900

### Applicant Information

Application No	77889334	Publication date	04/20/2010
Opposition Filing Date	08/18/2010	Opposition Period Ends	08/18/2010
Applicant	Paradis Group LLC 3718 Morrison Street NW Washington, DC 20015 UNITED STATES		

### Goods/Services Affected by Opposition

Class 033. All goods and services in the class are opposed, namely: Sparkling wines; Table wines; Wine; Wines; Wines and sparkling wines
---------------------------------------------------------------------------------------------------------------------------------------------

### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
--------------------------------------	----------------------------

### Mark Cited by Opposer as Basis for Opposition

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	PARADIS		
Goods/Services	cognac		

Attachments	10 08 18 - Notice of Opposition (F0668936).PDF ( 4 pages )(731802 bytes )
-------------	---------------------------------------------------------------------------

### **Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/John P. Margiotta/
Name	John P. Margiotta
Date	08/18/2010

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Application Serial No. 77-889,334  
Published in the Official Gazette of April 20, 2010

-----	X	
	:	
MOET HENNESSY USA, INC.,	:	
	:	
Opposer,	:	<b>NOTICE OF OPPOSITION</b>
	:	
v.	:	
	:	
PARADIS GROUP LLC,	:	
	:	
Applicant.	:	
-----	X	

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS:

Opposer Moet Hennessy USA, Inc., a corporation organized and existing under the laws of Delaware with an office and place of business at 85 Tenth Avenue, New York, New York 10011 believes that it would be damaged by the registration of PARADIS PRIVÉ and, having sought an extension of time, hereby opposes Applicant's attempt to register PARADIS PRIVÉ.

As grounds for Opposition, it is alleged that:

**COUNT I**

1. Opposer Moet Hennessy USA, Inc. is the owner of numerous trademarks used in the United States in connection with the sale of wines and spirits including the mark PARADIS, which is used on cognac distributed by Opposer. The cognac is produced by an affiliate of the company in France called Jas Hennessy & Co SCS.

2. Opposer is the owner of all right, title and interest in the trademark PARADIS, and has used that mark in connection with the sale of cognac in the United States since at least as

early as 1980, which is long prior to any date on which Applicant may rely. Opposer's PARADIS brand cognac is highly regarded and has come to be a popular brand of cognac in the United States, and has been so for many years.

3. PARADIS brand cognac has been widely promoted in the United States in a variety of ways. Through long and extensive use, advertising and promotion, the PARADIS trademark has become extremely valuable to Opposer, and the mark has become distinctive of Opposer's goods, and has come to represent enormous goodwill for Opposer.

4. By the application here opposed, Applicant seeks to register PARADIS PRIVÉ as a trademark in connection with wines and spirits, namely, "Sparkling wines; Table wines; Wine; Wines; Wines and sparkling wines."

5. Applicant's PARADIS PRIVÉ mark, when used on the goods named in the application, is so similar to the PARADIS trademark of Opposer as to be likely to cause confusion, mistake or deception as to the source of Applicant's goods, to the damage of the Opposer and the public.

6. Opposer will be damaged by registration of the trademark shown in the application here opposed since it will create the appearance of exclusive rights in Applicant and cast a cloud over the continued use by Opposer of its PARADIS trademark and trade name.

WHEREFORE Opposer respectfully requests that this opposition be sustained and that registration of Applicant's trademark in Class 33 be denied.

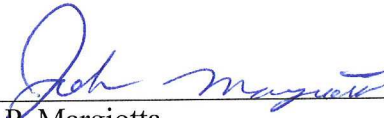
Please recognize as attorneys for the Opposer in this proceeding John P. Margiotta, who

is admitted to practice in the State of New York, and is with the firm of Fross Zelnick Lehrman & Zissu, P.C., 866 United Nations Plaza, New York, New York 10017.

Dated: New York, New York  
August 18, 2010

Respectfully submitted,

MOET HENNESSY USA, INC.



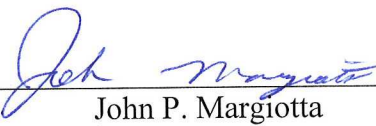
---

John P. Margiotta  
Attorney for Opposer  
Fross Zelnick Lehrman & Zissu, P.C.  
866 United Nations Plaza  
New York, New York 10017  
(212) 813-5900

## **CERTIFICATE OF SERVICE**

I hereby certify that on this 18<sup>th</sup> day of August 2010, a true and correct copy of the foregoing Notice of Opposition was served by first class mail on correspondent for Applicant:

PARADIS GROUP LLC  
3718 Morrison St. NW  
Washington, DC 20015-1734

  
\_\_\_\_\_  
John P. Margiotta